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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,375	02/04/2000	Kazunori Ito	0557-4909-3	8731
22850	7590	01/07/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MCDONALD, RODNEY GLENN	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/498,375

Applicant(s)

ITO ET AL. 

Examiner

Rodney G. McDonald

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30, 33-42 and 73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-29 and 73 is/are allowed.
- 6) ☒ Claim(s) 30 and 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 30 and 33-42 is withdrawn in view of the new 35 U.S.C. 112 rejections given below.

### ***Claim Rejections - 35 USC § 112***

Claims 30 and 33-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30, line 5, "the substrate holder side" lacks antecedent basis. It is suggested to write this as "a substrate holder side".

Claim 30, line 6, "the substrate holder" lacks antecedent basis. It is suggested to write this as "a substrate holder".

Claim 30, lines 11-12, "an intermediate chamber" does not correspond with the other claims. It is suggested to write this as "a load lock chamber".

Claim 34, line 3, "a O-ring" should be written as "an O-ring".

Claim 35, line 3, "said gas inlet port" should be "a gas inlet port".

Claim, 35, line 4, "said gas supply port" should be "a gas supply port".

Claim 36, line 3, "a gas inlet port" should be "with the gas inlet port".

Claim 36, line 3, "a frame" should be "the frame".

Claim 36, line 5, "jointing" should be "joining".

Claim 37, line 3, "a gas inlet port" should be "with the gas inlet port".

Claim 37, line 3, "a frame" should be "the frame".

Claim 37, line 5, "jointing" should be "joining".

Claim 38, line 4, "a frame" should be "the frame".

Claim 38, line 5, "jointing" should be "joining".

Claim 39, line 4, "a frame" should be "the frame".

Claim 39, line 5, "jointing" should be "joining".

Claim 40, line 2, "a substrate" should be "the substrate".

Claim 40, line 5, "R-machined" should be "machined".

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-14 are allowable over the prior art of record because the prior art of record does not teach the claimed subject matter with the removal claw having an inclined section configured to go into a section between a rear surface of the substrate and a top surface of the substrate holder to mechanically peel off the adsorbed substrate from the substrate holder.

Claims 15-18 and 73 are indicated as being allowable over the prior art of record because the prior art of record does not teach the claimed subject matter including a groove section which extends from a portion where said substrate holder contacts said substrate when said substrate holder is holding said substrate to a portion where said substrate holder does not contact said substrate when said substrate holder is holding said substrate; and a porous member which can allow air to pass through provided

within said groove section in which the surface of the porous member is at a same level as the surface of the substrate holder.

Claims 19-22 are allowable over the prior art of record because the prior art of record does not teach the optical disk substrate film-formation apparatus having the substrate holder located between the film-formation chamber in which film formation for a substrate is performed and a substrate carriage chamber in which a pressure is maintained at a lower level than in the film-formation chamber and wherein the through-hole directly communicates with air within the substrate carriage chamber.

Claims 23-29 are allowable over the prior art of record because the prior art of record does not teach an optical disk substrate film-formation apparatus comprising a substrate holder which holds thereon an optical disk substrate as an object for film formation; an inner mask which masks a specified area on an inner side of the optical disk; and an outer mask which masks a specified area on an outer side of the optical disk; wherein the inner mask and the outer mask being used for forming a thin-film on a surface of the optical disk substrate, said substrate holder having, a substrate holding section which contacts the optical disk substrate on the rear surface of the optical disk substrate but in a portion where the tin-film has been formed on the front surface, wherein the substrate holding section contact the optical disk substrate in the portion extending between a line which is 2 to 10 mm on the outer side of an edge of the inner mask and a line which is 0.5 to 5 mm on the inner side of an inner edge of the outer mask.

Claims 30 and 33-42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 30 and 33-42 are indicated as being allowable over the prior art of record because the prior art of record does not teach an optical disk substrate film-formation apparatus used for sputter film formation in which a laminated film is formed by combining any one or two or more of a reflection layer, a recording layer, a protection layer, or a dielectric body layer on a disk substrate in an optical disk manufacture step comprising: a gas supply section for introduction of gas in the substrate holder side in a limited portion between a substrate setting surface of the substrate holder an film-formed substrate, and at least a closed space section in the area formed in the substrate holder side because of contact between the substrate and substrate holder, wherein gas is supplied from the gas supply section during a period from a time point when sputter film formation is finished until a time point when a substrate is carrier out, and wherein the gas supplied from the gas supply section is also used as vent-gas for an intermediate chamber between atmosphere for inserting a substrate into or carrying out from the optical disk substrate film-formation apparatus and vacuum.

### ***Response to Arguments***

Applicant's arguments filed 10-14-2003 have been fully considered and are deemed persuasive. All that remains is the 35 U.S.C. 112 2<sup>nd</sup> paragraphs given above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 703-308-3807. The examiner can normally be reached on M- Th with Every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 703-308-3322. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Rodney G. McDonald  
Primary Examiner  
Art Unit 1753

RM  
December 22, 2003